

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----x  
WALTER ELAM,

*Plaintiff,*

v.

CONCOURSE VILLAGE, INC., ANTHONY  
JAMES, *individually*, and LETICIA BOWRY,  
*individually*,

*Defendants.*  
-----x

Case No. 15-cv-7215 (CM)

**PLAINTIFF'S PROPOSED  
VERDICT FORM**

Plaintiff Walter Elam respectfully requests that the Court consider the following  
proposed verdict form.

Dated: New York, New York  
September 15, 2016

By: 

Walker G. Harman, Jr. [WH-8044]

Edgar M. Rivera [ER-1378]

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WALTER ELAM,

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*Plaintiff,*

v.

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*individually*,

**VERDICT FORM**

*Defendants.*  
-----x

***Please answer the following questions in order:***

**Claims under the Americans with Disabilities Act**

1. Do you find, by a preponderance of the evidence, that Mr. Elam was subjected to employment discrimination based on his relationship with his disabled wife:

a. by Defendant Concourse Village, Inc.?

YES \_\_\_\_\_ NO \_\_\_\_\_

2. Do you find, by a preponderance of the evidence, that Mr. Elam engaged in protected activity under the Americans with Disabilities Act?

YES \_\_\_\_\_ NO \_\_\_\_\_

3. Do you find, by a preponderance of the evidence, that Mr. Elam was retaliated against for engaging in protected activity under the Americans with Disabilities Act:

a. by Defendant Concourse Village, Inc.?

YES \_\_\_\_\_ NO \_\_\_\_\_

**Claims under the New York City Human Rights Law**

4. Do you find, by a preponderance of the evidence, that Mr. Elam suffered adverse treatment or adverse employment decision(s) based on his relationship with his disabled wife:

a. by Defendant Concourse Village, Inc.?

YES \_\_\_\_\_ NO \_\_\_\_\_

b. by Defendant Anthony James?

YES \_\_\_\_\_ NO \_\_\_\_\_

c. by Defendant Letitia Bowry?

YES \_\_\_\_\_ NO \_\_\_\_\_

5. Do you find, by a preponderance of the evidence, that Mr. Elam engaged in protected activity under the New York City Human Rights Law?

YES \_\_\_\_\_ NO \_\_\_\_\_

6. Do you find, by a preponderance of the evidence, that Mr. Elam was retaliated against for engaging in protected activity under the New York City Human Rights Law:

a. by Defendant Concourse Village, Inc.?

YES \_\_\_\_\_ NO \_\_\_\_\_

b. by Defendant Anthony James?

YES \_\_\_\_\_ NO \_\_\_\_\_

c. by Defendant Letitia Bowry?

YES \_\_\_\_\_ NO \_\_\_\_\_

**Claims under the Family and Medical Leave Act**

7. Do you find, by a preponderance of the evidence, that Mr. Elam exercised rights that are protected by the FMLA?

YES \_\_\_\_\_ NO \_\_\_\_\_

8. Do you find, by a preponderance of the evidence, that Mr. Elam's exercise of his rights under the Family and Medical Leave Act was interfered with:

- a. by Defendant Concourse Village, Inc.?

YES \_\_\_\_\_ NO \_\_\_\_\_

- b. by Defendant Anthony James?

YES \_\_\_\_\_ NO \_\_\_\_\_

- c. by Defendant Letitia Bowry?

YES \_\_\_\_\_ NO \_\_\_\_\_

9. Do you find, by a preponderance of the evidence, that Mr. Elam was retaliated against for exercising his rights under the Family and Medical Leave Act:

- a. by Defendant Concourse Village, Inc.?

YES \_\_\_\_\_ NO \_\_\_\_\_

- b. by Defendant Anthony James?

YES \_\_\_\_\_ NO \_\_\_\_\_

- c. by Defendant Letitia Bowry?

YES \_\_\_\_\_ NO \_\_\_\_\_

***If you have answered "Yes" to any part of Questions 1–9, continue to Questions 10–17. If not, please continue to the last page and sign the verdict form.***

## **Damages**

10. Do you find, by a preponderance of the evidence, that Mr. Elam is entitled to compensatory damages in the form of back pay:

a. from Defendant Concourse Village, Inc.?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, in what amount? \$ \_\_\_\_\_

b. from Defendant Anthony James?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, in what amount? \$ \_\_\_\_\_

c. from Defendant Letitia Bowry?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, in what amount? \$ \_\_\_\_\_

11. Do you find, by a preponderance of the evidence, that Mr. Elam is entitled to compensatory damages in the form of front pay:

a. from Defendant Concourse Village, Inc.?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, in what amount? \$ \_\_\_\_\_

b. from Defendant Anthony James?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, in what amount? \$ \_\_\_\_\_

c. from Defendant Letitia Bowry?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, in what amount? \$ \_\_\_\_\_

12. Do you find, by a preponderance of the evidence, that Mr. Elam is entitled to compensatory damages in the form of damages for emotional distress, mental anguish, humiliation, embarrassment, stress and anxiety, and pain and suffering:

a. from Defendant Concourse Village, Inc.?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, in what amount? \$ \_\_\_\_\_

b. from Defendant Anthony James?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, in what amount? \$ \_\_\_\_\_

c. from Defendant Letitia Bowry?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, in what amount? \$ \_\_\_\_\_

13. Do you find, by a preponderance of the evidence, that Mr. Elam is entitled to punitive damages under the Americans with Disabilities Act:

a. from Defendant Concourse Village, Inc.?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, in what amount? \$ \_\_\_\_\_

14. Do you find, by a preponderance of the evidence, that Mr. Elam is entitled to punitive damages under the New York City Human Rights Law:

a. from Defendant Concourse Village, Inc.?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, in what amount? \$ \_\_\_\_\_

b. from Defendant Anthony James?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, in what amount? \$ \_\_\_\_\_

c. from Defendant Letitia Bowry?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, in what amount? \$ \_\_\_\_\_

15. Do you find, by a preponderance of the evidence, that Mr. Elam is entitled to liquidated damages under the Family and Medical Leave Act:

a. from Defendant Concourse Village, Inc.?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, in what amount? \$ \_\_\_\_\_

b. from Defendant Anthony James?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, in what amount? \$ \_\_\_\_\_

c. from Defendant Letitia Bowry?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, in what amount? \$ \_\_\_\_\_

16. Please add up the sums set forth in your responses to Questions 10–16 and enter that amount below, representing your total award to Mr. Elam.

\$ \_\_\_\_\_

***You have completed all questions. After the jury has reached unanimous agreement on all the questions and completed the form, each juror must sign below:***

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Dated: \_\_\_\_\_